



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

November 28, 2017

Via Electronic Mail

To: Diamond Alkali – Lower 8.3 Miles Contact Group

Re: Allocation for Operable Unit 2 Remedial Action
Diamond Alkali Superfund Site, Essex and Hudson Counties, New Jersey

Dear Sir/Madam:

On September 18, 2017, we notified you that the U.S. Environmental Protection Agency (EPA), through the Agency's prime contract with CSRA, had retained AlterEcho and its senior allocation specialist Mr. David Batson, Esq., to perform an allocation for implementation of the remedy selected for the lower 8.3 miles of the Lower Passaic River Study Area. We also invited you to attend a "kick-off" meeting with Mr. Batson on October 13, 2017 at EPA's offices in New York.

Since that time, we understand that some parties have raised several issues of concern with Mr. Batson, including limits in the current allocation contract. For instance, several parties would like to exceed the limits in the current allocation contract on the amount of documents that can be submitted to the allocator, and on the number of meetings that parties can have with Mr. Batson. We also understand that some parties are seeking to include within the allocation process an opportunity to exit the allocation "early" and be considered by EPA for cash out settlement offers, ahead of the schedule established in current scope of work with CSRA.

With this in mind, EPA is notifying you that it is considering the above requests to modify the current allocation contract. EPA will discuss with Mr. Batson potential changes to the current allocation process, taking into account the feedback received from parties participating in the allocation.

Please keep in mind that EPA established an allocation process for the lower 8.3 miles and has entered into a contract for the performance of that allocation. Separate agreements concerning EPA's allocation for the lower 8.3 miles, might not be consistent with EPA's current allocation contract; might undermine the current allocation process; and/or might violate conflict of interest rules or provisions.

Finally, note that the costs of the allocation are currently being borne by EPA and that the Agency is not requesting that parties pay to participate in the allocation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eric J. Wilson", is located below the "Sincerely," text.

Eric J. Wilson
Deputy Director for Enforcement and Homeland Security
Emergency and Remedial Response Division

cc: David Batson, Esq., AlterEcho
Mary Apostolico, CSRA
Kathryn Barton, EPA - OARM

